

SENATE BILL 1556

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 4; Title 5; Title 6; Title 7; Title 33; Title 39; Title 47; Title 49; Title 63 and Title 68, relative to vapor products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following as a new section:

(a) As used in this section, "vapor product":

(1) Means any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit vapor;

(2) Includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge or other container of a solution containing nicotine or any other substance that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product; and

(3) Does not include any product regulated under Chapter V of the Food, Drug, and Cosmetic Act (21 U.S.C. § 351 et seq.).

(b) In addition to any other labeling required by law, a person engaged in the sale or distribution of vapor products shall ensure that each vapor product sold to a customer in this state includes the following warning label in at least twelve-point, bold font:

WARNING: The use of e-cigarettes is unsafe for kids, teens, and young adults. Most e-cigarettes contain nicotine, which is highly addictive and can harm adolescent brain development into the early to mid-20s. E-cigarette aerosol is NOT harmless water vapor and can contain harmful and potentially harmful substances, including nicotine; ultrafine particles that can be inhaled deep into the lungs; flavoring, such as diacetyl, a chemical linked to a serious lung disease; volatile organic compounds; cancer-causing chemicals; and heavy metals, such as nickel, tin, and lead. Lung injury associated with e-cigarette use or vaping has been reported, including deaths. Children and adults have been poisoned by swallowing, breathing, or absorbing e-cigarette liquid through their skin or eyes. Defective e-cigarette batteries have caused fires and explosions.

(c) A violation of this section is a prohibited unfair and deceptive act or practice under § 47-18-104.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.